



General Assembly

February Session, 2012

Raised Bill No. 354

LCO No. 1927

* _____SB00354PS_____050212_____*

Referred to Committee on Finance, Revenue and Bonding

Introduced by:
(FIN)

AN ACT CONCERNING THE ENHANCED EMERGENCY 9-1-1 PROGRAM.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 28-30b of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective January 1, 2013*):

3 As used in sections [28-30b to 28-30d, inclusive] 28-30a, as amended
4 by this act, 28-30b, as amended by this act, and 28-30d, and section 2 of
5 this act:

6 (1) ["Active prepaid wireless telephone service" means a prepaid
7 wireless telephone service that has an account that has a positive
8 balance greater than or equivalent to the fee to fund the enhanced
9 emergency 9-1-1 program pursuant to section 16-256g.] "Consumer"
10 means a person who purchases prepaid wireless telecommunications
11 service in a retail transaction.

12 (2) "Prepaid wireless E 9-1-1 fee" means the charge that any seller
13 collects from a consumer in an amount established by section 2 of this
14 act.

15 [(2)] (3) "Prepaid wireless [telephone] telecommunications service"
16 means a wireless telephone service that [is activated in advance by
17 payment for a finite dollar amount of service or for a finite set of
18 minutes that terminate either upon use by a subscriber and delivery by
19 the wireless provider of an agreed upon amount of service
20 corresponding to the total dollar amount paid in advance or within a
21 certain period of time following the initial purchase or activation,
22 unless additional payments are made] a consumer pays for in advance,
23 that allows the consumer to access the E 9-1-1 system by dialing 9-1-1,
24 and that is sold in predetermined units or dollars and such units or
25 dollars decline with use.

26 [(3) "Mobile telephone number" or "MTN" means the telephone
27 number assigned to a wireless telephone at the time of activation.]

28 (4) "Provider" means any person who provides prepaid wireless
29 telecommunications service pursuant to a license issued by the Federal
30 Communications Commission.

31 (5) "Retail transaction" means a purchase of prepaid wireless
32 telecommunications service from a seller for any purpose other than
33 resale.

34 (6) "Seller" means a person who sells prepaid wireless
35 telecommunications service to a consumer.

36 [(4)] (7) "Voice over Internet protocol service" or "VOIP" means a
37 service that has the following characteristics: (A) Enables real-time,
38 two-way voice communication; (B) requires a broadband connection
39 from the users' locations; (C) requires IP-compatible customer
40 premises equipment; and (D) allows subscribers generally to receive
41 calls that originate on the public switched telephone network and to
42 terminate calls on the public switched telephone.

43 [(5)] (8) "Voice over Internet protocol service provider" or "VOIP
44 service provider" means a company that provides VOIP telephone
45 service.

46 (9) "Wireless telecommunications service" means commercial mobile
 47 radio service, as defined in 47 CFR Section 20.3, as from time to time
 48 amended.

49 Sec. 2. (NEW) (*Effective January 1, 2013*) (a) Each consumer shall be
 50 assessed a prepaid wireless E 9-1-1 fee. Such fee shall be fifty cents for
 51 each retail transaction. For the purposes of this section, if a consumer
 52 purchase includes multiple prepaid wireless telecommunications
 53 services, each such individual service shall constitute a retail
 54 transaction.

55 (b) Any seller who is a party to a retail transaction within this state
 56 with a consumer shall collect the fee described in subsection (a) of this
 57 section from such consumer for each such retail transaction. The seller
 58 shall disclose to the consumer the amount of such assessed fee in an
 59 invoice, a receipt, or other similar document, or post such amount
 60 conspicuously on the seller's Internet web site or on a sign
 61 conspicuously displayed to the consumer at the point of sale.

62 (c) For the purposes of subsection (b) of this section, a retail
 63 transaction made in the presence of the consumer at the place of
 64 business of the seller shall be treated as occurring within this state if
 65 such place of business is within the state, and any other retail
 66 transaction shall be treated as occurring in this state if the retail
 67 transaction is treated as occurring in this state under subdivision (2) of
 68 subsection (a) of section 12-407 of the general statutes, for the purposes
 69 of the sales and use tax.

70 (d) The consumer shall be liable for any prepaid wireless E 9-1-1 fee.
 71 There shall be no liability on the part of the seller or provider, except
 72 the seller shall be liable to remit any prepaid wireless E 9-1-1 fees that
 73 the seller collects from any consumer, pursuant to section 3 of this act,
 74 including, but not limited to, any such fee that the seller is required to
 75 collect but does not separately state on an invoice, receipt or other
 76 similar document provided to the consumer, as required by subsection
 77 (b) of this section.

78 (e) The amount of the prepaid wireless E 9-1-1 fee that a seller
79 collects from a consumer shall not be included in the base for
80 measuring any tax, fee, surcharge or other charge that the state, any
81 political subdivision of the state, or any intergovernmental agency
82 imposes on such seller, provided the seller separately stated such
83 amount on an invoice, receipt, or other similar document provided to
84 the consumer.

85 Sec. 3. (NEW) (*Effective January 1, 2013*) (a) Any seller who collects a
86 prepaid wireless E 9-1-1 charge shall remit such fee to the Department
87 of Revenue Services at such time and in such manner as required by
88 chapter 219 of the general statutes. The department shall establish
89 registration and payment procedures that substantially coincide with
90 the registration and payment procedures that apply to retail sellers
91 under said chapter 219.

92 (b) Notwithstanding the provisions of chapter 219 of the general
93 statutes, a seller who collects a prepaid wireless E 9-1-1 fee may retain
94 one per cent of such fee.

95 (c) The audit and appeal procedures applicable under chapter 219 of
96 the general statutes shall apply to each prepaid wireless E 9-1-1 fee.

97 (d) The department shall establish procedures by which a seller of
98 prepaid wireless telecommunications service may document that a sale
99 is not a retail transaction, which procedures shall substantially
100 coincide with the procedures for documenting sale for resale
101 transactions pursuant to section 12-410 of the general statutes.

102 (e) The department shall, not later than thirty days after receiving
103 any prepaid wireless E 9-1-1 fee, transfer such fee to the office of the
104 State Treasurer for deposit into the Enhanced 9-1-1
105 Telecommunications Fund, established pursuant to section 28-30a of
106 the general statutes, as amended by this act. Any revenue from the
107 prepaid wireless E 9-1-1 fee shall be subject to any restrictions
108 provided by said section 28-30a. The department may make a one-time

109 deduction of not more than one hundred twenty thousand dollars
110 from such fund and may use said amount to reimburse its direct costs
111 of administering the collection and remittance of prepaid wireless E 9-
112 1-1 fees.

113 Sec. 4. Section 28-25 of the general statutes is amended by adding
114 subdivisions (18) and (19) as follows (*Effective January 1, 2013*):

115 (NEW) (18) "Certified telecommunications provider" has the same
116 meaning as provided in section 16-1.

117 (NEW) (19) "Prepaid wireless telecommunications service" has the
118 same meaning as provided in section 28-30b, as amended by this act.

119 Sec. 5. Subsection (d) of section 28-28a of the 2012 supplement to the
120 general statutes is repealed and the following is substituted in lieu
121 thereof (*Effective January 1, 2013*):

122 (d) No telephone company, [or its agents] certified
123 telecommunications provider, provider of wireless
124 telecommunications service pursuant to a license issued by the Federal
125 Communications Commission, provider of prepaid wireless
126 telecommunications service, or the agents of any such company or
127 provider and no voice over Internet protocol service provider or its
128 agents shall be liable to any person or entity for release of the
129 information specified in this section [,] or for any failure of equipment
130 or procedure in connection with the enhanced 9-1-1 service or an
131 emergency notification system established under sections 28-25 to 28-
132 29b, inclusive, as amended by this act.

133 Sec. 6. Subsection (a) of section 28-30a of the general statutes is
134 repealed and the following is substituted in lieu thereof (*Effective*
135 *January 1, 2013*):

136 (a) There is established a fund to be known as the "Enhanced 9-1-1
137 Telecommunications Fund". The fund shall contain any moneys
138 required by law to be deposited in the fund, including, but not limited

139 to, any federal funds collected pursuant to subsection (d) of section 28-
 140 24 and fees assessed against subscribers of local telephone service,
 141 [and] subscribers of commercial mobile radio services [,] pursuant to
 142 section 16-256g, as amended by this act, and revenues from the
 143 prepaid wireless E 9-1-1 fee imposed pursuant to section 2 of this act.
 144 The Enhanced 9-1-1 Telecommunications Fund shall be held separate
 145 and apart from all other moneys, funds and accounts. Interest derived
 146 from the investment of the fund shall be credited to the assets of the
 147 fund. Any balance remaining in the fund at the end of any fiscal year
 148 shall be carried forward in the fund for the fiscal year next succeeding.

149 Sec. 7. Section 16-256g of the general statutes is repealed and the
 150 following is substituted in lieu thereof (*Effective January 1, 2013*):

151 (a) By June first of each year, the Public Utilities Regulatory
 152 Authority shall conduct a proceeding to determine the amount of the
 153 monthly fee to be assessed against each subscriber of: (1) Local
 154 telephone service, (2) commercial mobile radio service, as defined in 47
 155 CFR Section 20.3, and (3) voice over Internet protocol service, as
 156 defined in section 28-30b, as amended by this act, [and (4) prepaid
 157 wireless telephone service, as defined in section 28-30b,] to fund the
 158 development and administration of the enhanced emergency 9-1-1
 159 program. The authority shall base such fee on the findings of the
 160 Commissioner of Emergency Services and Public Protection, pursuant
 161 to subsection (c) of section 28-24, taking into consideration any existing
 162 moneys available in the Enhanced 9-1-1 Telecommunications Fund.
 163 The authority shall consider the progressive wire line inclusion
 164 schedule contained in the final report of the task force to study
 165 enhanced 9-1-1 telecommunications services established by public act
 166 95-318. The authority shall not approve any fee (A) greater than fifty
 167 cents per month per access line, [nor shall it approve any fee] (B) that
 168 does not include the progressive wire line inclusion schedule, or (C)
 169 for commercial mobile radio service, as defined in 47 CFR Section 20.3
 170 that includes the progressive wire line inclusion schedule.

171 (b) Each telephone or telecommunications company providing local

172 telephone service, each provider of commercial mobile radio service [,
 173 each provider of prepaid wireless telephone service] and each provider
 174 of voice over Internet protocol service shall assess against each
 175 subscriber, the fee established by the authority pursuant to subsection
 176 (a) of this section, which shall be remitted to the [Office of] office of the
 177 State Treasurer for deposit into the Enhanced 9-1-1
 178 Telecommunications Fund established pursuant to section 28-30a, as
 179 amended by this act, not later than the fifteenth day of each month.

180 (c) The fee imposed under this section shall not apply to any
 181 prepaid wireless telecommunications service, as defined in section 28-
 182 30b, as amended by this act.

183 Sec. 8. Section 28-30c of the general statutes is repealed. (*Effective*
 184 *January 1, 2013*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2013</i>	28-30b
Sec. 2	<i>January 1, 2013</i>	New section
Sec. 3	<i>January 1, 2013</i>	New section
Sec. 4	<i>January 1, 2013</i>	28-25
Sec. 5	<i>January 1, 2013</i>	28-28a(d)
Sec. 6	<i>January 1, 2013</i>	28-30a(a)
Sec. 7	<i>January 1, 2013</i>	16-256g
Sec. 8	<i>January 1, 2013</i>	Repealer section

FIN *Joint Favorable*

PS *Joint Favorable*